

**REMARKS**

The Final Office Action of June 26, 2009 presents the examination of claims 11, 13, 14, 17, 18, 20-24, 30, 32, 34-37 and 39. Claims 11, 13, 14, 17, 18, 20-24, 30 and 34 are allowed.

Claim 32 remains rejected under 35 USC § 112, first paragraph, for alleged lack of enablement. The Examiner asserts that ACTH, BNP and PACAP are activators, not inhibitors, of adenylate cyclase activity. While Applicants submit that the teachings of the specification establish that these peptides are useful in either establishing or proliferating stem cells in culture, claim 32 has been canceled so as to move the present application forward toward allowance.

Applicants reserve the right to file an application directed to the broader subject matter in an application filed pursuant to 35 USC § 120.

Claims 35-37 and 39 are rejected under 35 USC § 112, second paragraph as being indefinite. The Examiner explains that the form of the claims is deficient in not clearly stating what additional components are recited in these claims compared to those from which they depend. Claims 35, 36 and 39 are amended to clarify these relationships. Claim 37 is canceled as substantially duplicating claim 39.

The favorable action of allowance of the pending claims is requested.

Should there be any outstanding matters that can be resolved by a telephone conversation, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D., Registration No. 36,623, at the telephone number of the undersigned below, to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 28, 2009

Respectfully submitted,

By   
Mark J. Nuell

Registration No. 36,623

BIRCH, STEWART, KOLASCH & BIRCH, LLP

12770 High Bluff Drive, Suite 260

San Diego, California 92130

(858) 792-8855

Attorney for Applicant